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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 LEONARD TOBIN,

10 Plaintiff,

11 v.  
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13 UNITED STATES DEP'T OF THE  
14 TREASURY, et al.,

15 Defendants.

Case No. C19-518 RSM

ORDER OF DISMISSAL FOR FAILURE  
TO SERVE

16 This matter comes before the Court *sua sponte* and on the Court's prior Order to Show  
17 Cause. Dkt. #10. Plaintiff Leonard Tobin, proceeding *pro se*, filed his Complaint on March 19,  
18 2019, against Defendants the United States Department of the Treasury and the Internal Revenue  
19 Service. Dkt. #1. On August 16, 2019, the Court issued an Order striking Mr. Tobin's motion  
20 for default judgment and granting a thirty-day extension of time for Mr. Tobin to serve  
21 Defendants. Dkt. #9. The Court stated as follows:

23 [B]ased on the record, Plaintiff has failed to properly serve  
24 Defendant. Plaintiff is advised to review the requirements in Federal  
25 Rule of Civil Procedure 4(i) for service on the United States. Under  
26 Rule 4(m), service is required within 90 days after the Complaint  
27 was filed in this case. Because that deadline has expired, the Court  
will extend this deadline to 30 days from the date of this Minute  
Order. There will be no further extensions.

28 *Id.* Since that time, neither defendant has appeared.

1 On September 20, 2019, the Court issued an Order to Show Cause why this case should  
2 not be dismissed for failure to serve. Dkt. #10. Federal Rule of Civil Procedure 4(m) states in  
3 part:

4 If a defendant is not served within 90 days after the complaint is  
5 filed, the court—on motion or on its own after notice to the  
6 plaintiff—must dismiss the action without prejudice or order that  
7 service be made within a specified time. But if the plaintiff shows  
8 good cause for the failure, the court must extend the time for service  
9 for an appropriate period.

10 Fed. R. Civ. P. 4(m). The Court directed Mr. Tobin to review Rule 4 and provide “a short  
11 statement telling the Court how service was accomplished and why service in this case is or is not  
12 proper.” *Id.* at 2. The Court advised Mr. Tobin that failure to file a response will result in  
13 dismissal of this case.

14 Mr. Tobin has failed to respond to the Court’s Order to Show Cause. Accordingly,  
15 dismissal of this case is now warranted. The Court hereby finds and ORDERS:

- 16 1) Plaintiff’s claims are DISMISSED without prejudice under Rule 4(m).  
17 2) This case is CLOSED.

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19 DATED this 25<sup>th</sup> day of October 2019.

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22 RICARDO S. MARTINEZ  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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